

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Phase Patent Application of )  
Akira ASAII et al. )  
International Application No. PCT/JP01/04344 ) Attn: US/DO/EO  
International Filing Date: May 23, 2001 )  
For: BIPOLAR TRANSISTOR AND )  
FABRICATION METHOD THEREOF ) Date: January 22, 2002

3/pre Amnd A  
P.Well  
5-14-02

PRELIMINARY AMENDMENT

Honorable Commissioner for Patents and Trademarks  
Washington, D.C. 20231

Sir:

Please preliminarily amend the subject application as follows:

IN THE CLAIMS:

Please amend claim 5 as follows: Please note that claim 5 is presented below in its amended form. It is further presented as an Attachment to the Amendment whereby the amendment to the claim is outlined using the conventional method of bracketing and underlining.

*A1 Sb. B7*  
~~5. (Amended) The bipolar transistor according to any one of claims 1 through 3, wherein:~~

~~said substrate is a silicon substrate;~~

~~said first semiconductor layer is an Si layer;~~

~~said second semiconductor layer is an SiGe layer or an SiGeC layer;~~

and

~~said third semiconductor layer is an Si layer.~~